

Message Text

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ACTION OES-07

INFO OCT-01 EUR-12 ISO-00 ACDA-12 CIAE-00 INR-10 IO-13
L-03 NSAE-00 NSC-05 EB-08 NRC-05 SOE-02 DODE-00
DOE-15 SS-15 SP-02 CEQ-01 /111 W
-----007312 141011Z /16

P 140803Z APR 78
FM AMEMBASSY BRUSSELS
TO SECSTATE WASHDC PRIORITY 6007
DOE GERMANTOWN PRIORITY
AMEMBASSY VIENNA PRIORITY
ALL EC CAPITALS PRIORITY

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USEEC

VIENNA FOR USIAEA

E.O. 11652: N/A
TAGS: ENRG, PARM, MNUC, TECH, EEC
SUBJECT: PHYSICAL PROTECTION OF NUCLEAR MATERIALS - EC TO
- BE SIGNATORY OF INTERNATIONAL CONVENTION?

1. THE EC COMMISSION HAS DECIDED THAT IT IS LEGALLY NECES-
SARY FOR THE COMMUNITY TO BE A SIGNATORY TO THE INTER-
NATIONAL PHYSICAL PROTECTION CONVENTION NOW BEING NEGO-
TIATED. IT HAS SENT A COMMUNICATION TO THE COUNCIL TO THIS
EFFECT ASKING FOR A NEGOTIATING MANDATE. IN THIS COMMUNI-
CATION, IT ALSO CALLS ON THE MEMBER STATES WHO ARE PRES-
ENTLY PARTICIPATING IN THE CONVENTION NEGOTIATIONS TO
INTRODUCE A CLAUSE THAT WOULD KEEP OPEN THE OPTION FOR THE
COMMUNITY TO BE A SIGNATORY.

2. THE LEGAL SERVICES OF THE COMMISSION HAVE FOUND THAT
MEMBER STATES CANNOT LEGALLY SIGN ARTICLE 4 OF THE PHYSICAL
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PROTECTION CONVENTION (DEALING WITH EXPORTS, IMPORTS, AND
TRANSPORT OF MATERIALS) SINCE SUCH SIGNING WOULD BE CON-
TRARY TO THE EURATOM TREATY PROVISIONS THAT GIVE THE COM-
MUNITY EXCLUSIVE COMPETENCE IN THIS AREA (E.G., ASSURING
FREE FLOW OF NUCLEAR MATERIALS WITHIN THE COMMUNITY). SOME
MEMBER STATES, AND THE LEGAL SERVICES OF THE COUNCIL, DO
NOT AGREE WITH THE CONCLUSIONS OF THE COMMISSION LEGAL

STAFF. THERE WILL BE CONSIDERABLE INTERNAL DEBATE ON THIS SUBJECT. COMMISSION OFFICIALS HAVE TOLD US THAT THE COMMISSION FEELS STRONGLY ENOUGH ABOUT ITS CASE THAT THEY WOULD TAKE THE ISSUE TO THE EUROPEAN COURT OF JUSTICE, IF NECESSARY. HOWEVER, WE HAVE BEEN ADVISED THAT, EVEN THOUGH A COUNCIL DECISION ON THE COMMISSION PROPOSAL IS NOT POSSIBLE PRIOR TO APRIL 21, ONE OR MORE OF THE MEMBER STATES MIGHT INTRODUCE THE SUBJECT AT THE ONGOING VIENNA NEGOTIATING MEETING.

3. AS FORESEEN NOW BY THE COMMISSION, THE PROPOSAL WOULD BE FOR THE COMMUNITY TO BE A SIGNATORY FOR ONLY ARTICLE 4 OF THE CONVENTION, AND EC MEMBER STATES WOULD SIGN FOR ALL OTHER ARTICLES OF THE CONVENTION (AND WOULD NOT SIGN FOR ARTICLE 4). HINTON

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TREATY SIGNATURE, NUCLEAR SAFEGUARDS, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 14 apr 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
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Disposition Reason:
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ISecure: 1
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Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 26a701b0-c288-dd11-92da-001cc4696bcc
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Original Classification: LIMITED OFFICIAL USE
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Previous Handling Restrictions: n/a
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Review Action: RELEASED, APPROVED
Review Content Flags:
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Review Exemptions: n/a
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Review Release Date: n/a
Review Release Event: n/a
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TAGS: ENRG, PARM, MNUC, TECH, EEC
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Type: TE
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Review Markings:
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